

DIVISION III
ABSENTEE VOTING

721—21.300(53) Satellite absentee voting stations. The county commissioner of elections may designate locations in the county for absentee voting stations. If the commissioner receives a petition requesting that a satellite absentee voting station be established at a location described on the petition, the commissioner shall provide the requested station if the petition was properly signed and filed. The petition shall be rejected if the site chosen is not accessible to elderly and disabled voters or has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting, or if the owner of the site refuses permission to locate the satellite absentee voting station at the site named on the petition. The commissioner may also refuse to conduct satellite voting for the runoff election if a special election is scheduled to be held between the regular city election and a city runoff election. The petition may be refused if the owner of the site demands payment for its use.

The petition shall be signed by not less than 100 eligible electors of the county. The petition shall be filed with the commissioner no later than the deadline specified in Iowa Code section 53.11 for the election.

Satellite absentee voting stations established by petition shall be open for at least one day for a minimum of six hours. Satellite absentee voting stations shall be accessible to elderly and disabled voters.

Only ballots from the county in which the site is located may be provided at the satellite absentee voting station. However, it is not necessary to provide ballots from all of the precincts in the county.

21.300(1) Form of petition. The petition requesting that a satellite absentee voting station be established at a specific location shall be in substantially the following form:

STATE OF IOWA
PETITION FOR ABSENTEE VOTING STATION

Instructions: This petition may be signed by people who

- are U.S. citizens,
- are at least 18 years old,
- have not been convicted of a felony,
- have not been declared mentally incompetent by a court,
- and who live in this county.

They do not need to be registered voters.

The petition must be taken to the county auditor's office before 5 p.m. on _____.

Date of election: _____

We, the people of _____ County, request that there be an absentee voting station at the place described below.

[Instructions: Give the address of the building, and the name of the building, if it has a name. Elderly and disabled voters must be able to get into the building to vote.]

Signature	Address, including street and number, if any	Date signed
1.		
2.		
3.		
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24.		
25.		

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21.300(2) Notice provided. Notice shall be published at least seven days before the opening of any satellite absentee voting station. If more than one satellite absentee voting station will be provided, a single publication may be used to notify the public of their availability.

A notice shall also be posted at each satellite absentee voting station at least seven days before the opening of the satellite absentee voting station. The notice shall remain posted as long as the satellite absentee voting station is scheduled for service. If it is not possible to post the notice at least seven days before the station opens due to the receipt of a petition, the notice shall be posted as soon as possible.

Both the published and posted notices shall include the following information:

- a. The name and date of the election for which ballots will be available.
- b. The location(s) of the satellite absentee voting station(s).
- c. The dates and times that the station(s) will be open.
- d. The precincts for which ballots will be available.
- e. An announcement that voter registration forms will be available for new registrations in the county until the time registration closes before the election and that changes in the registration records of people who are currently registered within the county may be made at any time.

If the satellite absentee voting station is located in a building with more than one public entrance, brief notices of the location of the satellite absentee voting station shall be posted on building directories, bulletin boards, or doors. These notices shall be posted no later than the time the station opens and shall be removed immediately after the satellite absentee voting station has ceased operation for an election.

21.300(3) Staff. Satellite absentee voting station workers may be selected from among the staff members of the commissioner’s office, from the election board panel drawn up pursuant to Iowa Code sections 49.15 and 49.16, or a combination of these two sources. Compensation of workers selected from the election board panel shall be at the rate provided in Iowa Code section 49.20.

At least three people shall be assigned to work at each satellite absentee voting station; more workers may be added at the commissioner’s discretion. All workers must be registered voters of the county, and for primary and general elections the workers must be registered with a political party. No more than a simple majority of the workers shall be members of the same political party.

People who are prohibited from working at the polls pursuant to Iowa Code section 49.16 may not work at satellite absentee voting stations.

21.300(4) Oath required. Before the first day of service at a satellite absentee voting station each worker shall take the following oath:

I, _____ (name) _____, do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of satellite absentee voting station worker, and will endeavor to prevent fraud, deceit and abuse in performing those duties.

Signature of worker

Address

Officer administering oath

Date

The oath must be taken before each election.

21.300(5) Supplies needed for each satellite absentee voting station. Each satellite absentee voting station shall be provided with the following supplies:

- a. Voter registration forms for new registrations and changes of registration information.
- b. Absentee ballot application forms.
- c. An absentee voters’ log in which to record the names of electors casting absentee ballots, the serial numbers on their applications and affidavit envelopes, and the date the ballots are returned. The log may also be used to record the return of absentee ballots which were mailed.
- d. Affidavit envelopes for absentee ballots.
- e. Secrecy envelopes or folders, if needed for use with electronic voting systems.
- f. Absentee ballots in sealed container(s).

- g. Marking devices appropriate for the voting system that will be used to tabulate the ballots.
- h. Two or more voting booths, at least one of which shall be suitable for use by a person seated in a chair or wheelchair.
- i. One or more ballot boxes equipped with locks and keys, or tamperproof seals.
- j. Table and chairs for workers.
- k. Two or more chairs for voters.
- l. Barricade system to control access to voting area.
- m. Secure containers for returning unused ballots. Containers used to send ballots to the satellite absentee voting station may be reused.
- n. Paper clips, tape or rubber bands to attach request forms to affidavit envelopes.
- o. Pens and other supplies for the workers.
- p. Instructions in large type explaining the proper method of marking the ballot.
- q. A list of other satellite absentee voting stations in the county, if any, and their addresses and scheduled times of operation.
- r. Precinct finder.
- s. Sample ballots for each precinct served by the satellite absentee voting station.
- t. Envelope to return spoiled ballots.
- u. Special ballot envelopes and return envelope.

21.300(6) *Ballot transport and storage.* At the commissioner's discretion the ballots may be transported between the commissioner's office and the satellite absentee voting station by the workers who will be on duty that day, or by two people of different political parties who have been designated as couriers by the commissioner. It is not necessary for the same people to transport the ballots in both directions.

If the ballots are transported by the satellite absentee voting station workers, two workers who are members of different political parties and the ballots must travel together in the same vehicle.

Ballots may be stored at the satellite absentee voting station during hours when the station is closed only if they are kept in a locked cabinet or container. The cabinet must be located in a room which is kept locked when not in use. Voted absentee ballots must be delivered to the commissioner's office at least once each week.

21.300(7) Ballot receipts. Satellite absentee voting station workers shall sign receipts for the ballots taken to the remote absentee voting site. The receipt shall be in substantially the following form:

SATELLITE ABSENTEE VOTING STATION BALLOT RECORD AND RECEIPT					
Precincts voting at satellite station: _____					
Location of satellite station: _____					
Satellite station address: _____					
BALLOTS DELIVERED TO THE SATELLITE ABSENTEE VOTING STATION					
Type of Ballot	Number Delivered	Delivered to: (print name)	(signature of each worker)		
TOTAL DELIVERED *	DATE: _____ TIME: _____ a.m. p.m.				
BALLOTS RETURNED FROM THE SATELLITE ABSENTEE VOTING STATION					
Type of Ballot	Voted	Spoiled	Special	Not Voted	Returned
TOTAL NUMBER OF BALLOTS RETURNED: _____ *					
*The number of ballots returned must equal the number delivered.					
Number of ballots issued by mail and returned to this station: _____					
<div style="display: flex; justify-content: space-between;"> Print name Signature </div>					
Ballots received from: _____					
a.m. p.m.					
RECEIVED BY: _____ DATE: _____ TIME: _____					

A copy of the ballot record and receipt shall be retained in the commissioner's office. The original shall be sent with the ballots to the satellite absentee voting station.

21.300(8) *Arrangement of the satellite absentee voting station.* Protection of the security of the ballots (both voted and unvoted) and the secrecy of each person's vote shall be considered in the arranging of the satellite absentee voting station.

a. Security. The satellite absentee voting station shall be arranged so that ballots are protected against removal from the station by unauthorized people.

b. Voting area. Voting booths without curtains shall be placed so that passersby and other voters may not walk directly behind a person using the booth. At least one voting booth must be accessible to the disabled. The booth must be designed to accommodate a person seated in a chair or wheelchair. A chair must be provided for voters who wish to sit down while voting.

c. Electioneering. No signs supporting or opposing any candidate or question on the ballot shall be posted within 30 feet of the satellite absentee voting station. No electioneering shall be allowed within the sight or hearing of voters while they are at the satellite absentee voting station.

d. Chair provided. One or more chairs must be available for use by elderly or disabled voters waiting in line.

21.300(9) *Operation of the satellite absentee voting station.* At all times the station shall have at least two workers present to preserve the security of the ballots, both voted and unvoted. At satellite absentee voting stations used for primary and general elections, no more than a simple majority of the workers shall be registered with the same political party.

21.300(10) *Voter registration at the satellite absentee voting station.* Each satellite absentee voting station shall provide forms necessary to register voters and to record changes in voter registration records. Workers shall also be provided with a method of verifying whether people applying for absentee ballots are registered voters.

The commissioner may provide a list of registered voters in the precincts served by the station. The list may be on paper, microfiche or other media.

As an alternative, the commissioner may provide a computer connection with the commissioner's office.

21.300(11) *Procedure for issuing absentee ballot.* The following instructions for absentee voting are to be provided to all satellite absentee voting station workers:

HOW TO ISSUE ABSENTEE BALLOTS

1. Application. Each person who wishes to vote shall complete an application for an absentee ballot.

2. Check precinct. Check to be sure that the applicant's address is in a precinct served by this station.

3. Check registration. Check to see whether the applicant is a registered voter at the applicant's current address. People who live in (county name) County but who are not currently registered to vote in the county may register to vote at the satellite absentee voting station until (the date registration closes for the election). Changes of name, address, telephone number or party affiliation may be submitted at any time.

After (date registration closes) anyone who requests an absentee ballot and who is not a registered voter in the county may cast only a special ballot. Use the special ballot envelopes.

4. Affidavit envelope. Have the voter complete the affidavit envelope before you issue the ballot.

5. Voters may ask for help. Anyone who is unable to mark a ballot without help may be helped by any person chosen by the voter. **EXCEPTIONS:** The following people may not help a voter—the voter's employer, an agent of the employer, or an officer or agent of the voter's union.

The voter may also request help from the satellite absentee voting station workers. Two workers from different political parties must assist the voter.

WARNING: Do not tell anyone how the person voted.

6. Issue ballot. When a voting booth is available, give the voter the appropriate ballot. Ballots must be voted at the satellite absentee voting station. Ballots may not be taken away from the station.

7. Instruct voter. Instruct each voter to use only the pen or pencil provided by you, how to mark the ballot so that it can be counted, to enclose the ballot in the secrecy folder (if any), and to place the ballot in the affidavit envelope and seal it before returning it to the workers.

8. Send voter to booth. Each voter must use a voting booth. Do not permit anyone to vote anywhere else.

9. When the ballot is returned: Number the request form and the affidavit envelope with serial number and record the serial number in the log of absentee voters.

10. Storing voted ballots and applications. Attach the application to the sealed affidavit envelope and insert them in the locked ballot box.

21.300(12) Closing the station. The following instructions for closing the absentee voting station are to be provided to all satellite absentee voting station workers:

INSTRUCTIONS FOR CLOSING THE SATELLITE ABSENTEE VOTING STATION

At the end of each day, after everyone has voted who arrived before the time established to close the station, close the satellite absentee voting station. Each task on the list must be completed.

DO NOT OPEN ANY AFFIDAVIT ENVELOPES. These ballots will be opened and counted on election day.

1. Count the number of ballots of each type which have not been voted.
2. Record number of unvoted ballots by precinct on the ballot receipt form.
3. Place the ballots in the container provided and securely seal or lock the container.
4. Record the number of spoiled ballots by precinct on the ballot receipt form.
5. Count the number of spoiled ballots by precinct and place in the envelope provided. Enter this number on the ballot receipt form. Securely seal the envelope. All officials must sign the envelope.
6. From the absentee voters' log determine how many ballots from each precinct have been voted.
7. Compare the total number of ballots in the ballot box with the number of voters listed in the log. If there is a discrepancy, you must resolve it before leaving the station. If you cannot discover the source of the discrepancy, write a detailed explanation of the problem. All workers must sign the report.
8. If couriers will be picking up the ballots, all workers must wait until both couriers arrive. Ask the couriers for identification before surrendering the ballots. If the workers are to return the ballots to the commissioner's office, two workers who are members of different political parties and the ballots must travel together in the same vehicle to return the ballots.
9. Never leave any ballots unattended.
10. If the ballots will be stored at the satellite absentee voting station all workers must be present when the ballots are locked up. A daily log sheet shall be used to record the information requested above. When ballots are returned to the auditor's office the information on the daily log sheets shall be accumulated and entered on the ballot record and receipt form.

This rule is intended to implement Iowa Code section 53.11 as amended by 2007 Iowa Acts, Senate File 416.

721—21.301(53) Absentee ballot requests from voters whose registration records are inactive.

21.301(1) *In person.* Absentee voters whose registration records are inactive and who appear in person to vote, either at the office of the commissioner or at a satellite absentee voting station, shall be required to provide identification before voting. The voter may present any of the identification documents prescribed in subrule 21.3(3). If the voter does not have appropriate identification documents, the official or staff person receiving the application shall challenge the ballot and notify the voter that the voter must provide a copy of the appropriate form of identification not later than the date upon which the absentee and special precinct board will meet to review provisional ballots after election day pursuant to Iowa Code section 50.21.

21.301(2) *By mail.* When a request for an absentee ballot is received by mail from a voter whose registration record has been made inactive pursuant to Iowa Code section 48A.29, the commissioner shall respond to the request.

a. Form. The commissioner shall send a voter registration form and the following notice:

Notice to the Voter:

Your request for an absentee ballot has been received and processed. However, our records show that your voter registration is not currently active. To restore your registration, please complete the enclosed voter registration form and return it to:

County Auditor

(Address)

Return the registration form separately. Do not enclose it with your absentee ballot.

This registration form must be received in my office no later than (the time the polls close) on (election day), or be postmarked no later than (the day before election day).

b. Instructions to commissioner. If the registration form is received by the deadline for receipt of absentee ballots as prescribed in Iowa Code section 53.17, and all other legal requirements are met, the ballot shall be counted. If the return carrier envelope is received before the registration form, the envelope shall not be opened but shall be held until the deadline for receipt of absentee ballots. If the registration form has not been received by the deadline, the officials of the absentee and special voters precinct board shall open the return carrier envelope. If the registration form is enclosed, and all other legal requirements are met, the ballots shall be counted. However, if the registration form is not enclosed in the return carrier envelope, the affidavit envelope containing the ballot shall not be opened.

This rule is intended to implement Iowa Code sections 48A.29 and 53.2.

721—21.302 Reserved.

721—21.303(53) Mailing absentee ballots. The commissioner shall mail the following materials to each person who has requested an absentee ballot:

1. Ballot. The ballot that corresponds to the voter's residence, as indicated by the address on the absentee ballot application.

2. Public measure text. The full text of any public measures that are summarized on the ballot, but not printed in full.

3. Secrecy envelope. Secrecy envelope, if the ballot cannot be folded to cover all of the voting ovals, as required by Iowa Code section 53.8(1).

4. Affidavit envelope. The affidavit envelope, which shall be marked with the serial number used to identify the absentee request in the commissioner's records.

5. Return carrier envelope. The return carrier envelope, which shall be addressed to the commissioner's office and bear appropriate return postage or a postal permit guaranteeing that the commissioner will pay the return postage and which shall be marked with the I-Voters-assigned sequence number used to identify the absentee request in the commissioner's records.

6. **Delivery envelope.** The delivery envelope, which shall be addressed to the voter and bear the serial number used to identify the absentee request in the commissioner's records. All other materials shall be enclosed in the delivery envelope.

7. **Instructions.** Absentee voting instructions, which shall be in substantially the form prescribed by the state commissioner of elections.

8. **Receipt.** The receipt form required by 2007 Iowa Acts, Senate File 601, section 227, which may be printed on the instructions required by numbered paragraph "7" above.

This rule is intended to implement Iowa Code section 53.8 as amended by 2007 Iowa Acts, Senate File 601, section 223, and Iowa Code section 53.17 as amended by 2007 Iowa Acts, Senate File 601, section 227.

721—21.304 to 21.349 Reserved.

721—21.350(53) Absentee ballot processing for elections held following July 1, 2007. For elections in which absentee voting begins before July 1, 2007, the commissioner shall not review affidavit envelopes of any absentee ballots before July 1, 2007. Not later than Monday, July 2, 2007, the commissioner shall review the affidavit envelopes of all absentee ballots returned before that date. The commissioner shall follow the process in rules 21.352(53) through 21.355(53).

This rule is intended to implement Iowa Code section 53.18 as amended by 2007 Iowa Acts, Senate File 601.

721—21.351(53) Receiving absentee ballots. The commissioner shall carefully account for and protect all absentee ballots returned to the office.

21.351(1) Time of receipt. The commissioner shall write or file-stamp on the return carrier envelope the date and time that the ballot arrived in the commissioner's office. The commissioner shall also record receipt of the ballot in I-Voters.

21.351(2) Temporary storage. If necessary, the commissioner shall immediately put the ballot into a secure container, such as a locked ballot box, until the ballots can be moved to the secure storage area.

21.351(3) Secure area. The commissioner shall deliver the ballots to a secure area where returned absentee ballots will be reviewed for deficiencies.

721—21.352(53) Review of returned affidavit envelopes.

21.352(1) Personnel. The commissioner may assign staff members to complete the review of returned affidavit envelopes. Only persons designated in the office security plan and who have been trained for this responsibility shall be authorized to review affidavit envelopes.

21.352(2) Affidavit envelopes reviewed. The affidavit envelopes of all absentee ballots returned to the commissioner's office shall be reviewed, including those of ballots returned by the bipartisan team delivering absentee ballots to health care facilities, such as hospitals and nursing homes. If a reviewer finds deficiencies in absentee affidavits returned from any health care facility, the commissioner shall send the bipartisan delivery team back to make any necessary corrections or to deliver any replacement ballots.

21.352(3) Instructions. Each reviewer shall receive instructions in substantially the form prescribed by the state commissioner of elections. The instructions shall provide basic security and procedural guidance and include a method for accounting for all returned absentee ballots. The prohibitions shall include:

- a. Not to leave unsecured ballots unattended.
- b. Not to alter any information on any affidavit.
- c. Not to add any information to any affidavit, except as specifically required to comply with the requirements of the law.

- d. Not to seal any affidavit envelope found open.
- e. Not to discard any return carrier envelopes, ballots, or affidavit envelopes returned by voters.

721—21.353(53) Opening the return carrier envelopes. The commissioner may direct a staff member to open the return carrier envelopes with an automatic letter opener. Only a trained reviewer may remove the contents of the envelope.

721—21.354(53) Review process. A reviewer shall remove the contents from only one return carrier envelope at a time.

21.354(1) Return carrier envelopes preserved. The return carrier envelopes shall be stored in a manner that will facilitate their retrieval, if necessary. They shall be stored for 22 months for federal elections and 6 months for local elections.

21.354(2) Examination of affidavit envelope. The reviewer shall make sure that:

- a. The affidavit envelope is sealed, apparently with the ballot inside.
- b. The affidavit envelope has not been opened and resealed.
- c. The affidavit includes all of the following:
 - (1) An address.
 - (2) A signature.
 - (3) For primary elections only, political party affiliation.

21.354(3) No deficiencies or other problems. If the reviewer finds no deficiencies that would cause the absentee board to reject the ballot, the reviewer shall put the affidavit envelope into a group of envelopes to be retained in the secure storage area with others that require no further attention until they are delivered to the special precinct board.

21.354(4) Deficient affidavits. The commissioner shall contact the voter if the reviewer finds any of the following deficiencies in the affidavit or affidavit envelope:

- a. The commissioner shall contact the voter immediately if:
 - (1) The absentee ballot is not enclosed in the affidavit envelope.
 - (2) The affidavit envelope is not sealed.
 - (3) The affidavit envelope has been opened and resealed.
- b. The commissioner shall contact the voter within 24 hours if the affidavit lacks:
 - (1) The signature of the voter.
 - (2) The address at which the voter is registered.
 - (3) For primary elections only, political party affiliation.
- c. If an affidavit envelope has flaws that are included in both paragraphs “a” and “b,” the commissioner shall follow the process in paragraph “a.”

21.354(5) Deficient affidavits stored separately. The commissioner shall store the deficient and improperly closed affidavit envelopes separately from other returned absentee ballots.

a. Affidavit envelopes requiring voter correction must be available for retrieval when the voter comes to make corrections.

b. Improperly closed affidavit envelopes must be attached to the original application, replacement application and replacement ballot for review by the special precinct board.

721—21.355(53) Notice to voter. When the commissioner finds a deficiency in an absentee ballot affidavit or finds an improperly closed affidavit envelope, the commissioner shall notify the voter in writing and, if possible, by telephone or by E-mail. The commissioner shall keep a separate checklist for each voter showing the reasons for which the voter was contacted and the methods used to contact the voter.

21.355(1) Notice to voter—deficient ballot affidavit. Within 24 hours after receipt of an absentee ballot with a deficient affidavit, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include:

a. Reason for deficiency (lack of signature, address or, for primary elections only, political party affiliation).

b. The voter's options for correcting the affidavit as follows:

- (1) Completing the affidavit at the commissioner's office by 5 p.m. the day before the election; or
- (2) Casting a provisional ballot at the polls on election day.

c. Address of commissioner's office, business hours and contact information.

21.355(2) Notice to voter—defective ballot affidavit. Immediately after determining that an absentee ballot affidavit envelope was not properly closed, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include the following information:

a. Reason for defect, such as envelope not sealed, envelope opened and resealed, or the ballot was outside the affidavit envelope.

b. The voter's options for correcting the defect as follows:

- (1) Applying for a replacement ballot; or
- (2) Casting a provisional ballot at the polls on election day.

c. Process for applying for a replacement ballot.

d. Address of commissioner's office, business hours and contact information.

21.355(3) Telephone contact. If the voter has provided a telephone number, either on the absentee ballot application or on the voter's registration record, the commissioner shall also attempt to contact the voter by telephone. The commissioner shall keep a written record of the telephone conversation. The written record shall include the following information:

a. Name of the person making the call.

b. Date and time of the call.

c. If a person answered the telephone, the name of that person.

21.355(4) E-mail contact. If the voter has provided an E-mail address, either on the absentee ballot application or on the voter's registration record, the commissioner shall also attempt to contact the voter by E-mail. The E-mail message shall be the same message that was mailed to the voter. A copy of the E-mail message shall be attached to the checklist.

Rules 21.351(53) through 21.355(53) are intended to implement Iowa Code section 53.18 as amended by 2007 Iowa Acts, Senate File 601, section 229.

721—21.356 to 21.358 Reserved.

721—21.359(53) Processing absentee ballots before election day. Only when the voters have been provided with secrecy envelopes may the commissioner direct the special precinct board to open affidavit envelopes on the day before election day.

21.359(1) The secrecy envelope shall be closed on at least two sides and shall completely cover the ballot. The envelope shall have the following message printed on it using at least 24-point type:

Secrecy Envelope

After you vote, put your ballot in here.

21.359(2) The special precinct board shall review voters' affidavits and applications to determine which ballots will be accepted for counting and prepare the notices to those voters whose ballots have been rejected. The affidavit envelopes containing ballots that will not be counted and the applications submitted for those ballots shall be stored in a secure location.

21.359(3) The affidavit envelopes containing the ballots that will be counted shall be stacked with the affidavits facing down. The envelopes shall be opened and the secrecy envelope containing the ballot shall be removed. The affidavit envelope and application shall be stored together.

21.359(4) If a voter has not enclosed the ballot in a secrecy envelope and the ballot has not been folded in a manner that conceals all votes marked on the ballot, the officials shall put the ballot in a secrecy envelope without examining the ballot. Two of the special precinct election officials, one from each of the political parties referred to in Iowa Code section 49.13(2), shall sign the secrecy envelope.

21.359(5) The following security procedures shall be followed:

a. The process shall be witnessed by observers appointed by the county chairperson of each of the political parties referred to in Iowa Code section 49.13, subsection 2.

b. No ballots shall be counted or examined before election day.

c. The number of secrecy envelopes shall be recorded before the ballots are stored and the number shall be verified before any ballots are removed from the envelopes on election day. The ballots may be bundled and sealed in groups of a specified number to make counting easier.

This rule is intended to implement 1997 Iowa Acts, House File 636, section 73.

721—21.360(53) Failure to affix postmark date. For any absentee ballot referred to in Iowa Code section 53.17, if the officially authorized postal service fails to affix a postmark date on the return carrier envelope, or the postmark date is illegible, but the date of the affidavit envelope is a date no later than the day prior to the election, the ballot shall be counted as provided in Iowa Code section 53.17. If no date can be read on either the return carrier envelope or the affidavit envelope, the affidavit envelope shall not be opened, and the ballot shall be rejected as provided in Iowa Code section 53.25.

This rule is intended to implement Iowa Code section 53.17.

721—21.361(53) Rejection of absentee ballot. The special precinct election board shall reject absentee ballots without opening the affidavit envelope if any of the conditions cited below exist.

21.361(1) An absentee ballot shall be rejected if the absentee voter's affidavit is insufficient. An insufficient affidavit lacks one or more of the following:

a. The signature of the voter,

b. The voter's address,

c. In primary elections only, the political party affiliation of the voter.

21.361(2) An absentee ballot shall be rejected if the applicant is not a duly qualified elector in the precinct in which the ballot is cast. "Precinct" means a precinct established pursuant to Iowa Code sections 49.3 through 49.5.

21.361(3) An absentee ballot shall be rejected if the affidavit envelope is open.

21.361(4) An absentee ballot shall be rejected if the affidavit envelope has been opened and resealed.

21.361(5) An absentee ballot shall be rejected if the affidavit envelope contains more than one ballot of any kind. This includes all ballots contained in the affidavit envelope, whether or not they are enclosed in secrecy envelopes.

21.361(6) An absentee ballot shall be rejected if the voter has voted in person.

21.361(7) An absentee ballot shall be rejected if in primary elections the political party declared on the affidavit envelope is different from the political party whose ballot was requested on the application for the ballot.

21.361(8) An absentee ballot that was delivered to the commissioner's office by someone other than the voter or an absentee ballot courier shall be rejected if the voter responds to the notice sent pursuant to subrule 21.376(3) and reports:

- a. The voter requested an absentee ballot but did not receive it.
- b. The voter requested and received an absentee ballot but did not vote it or return it.
- c. The voter did not request or vote an absentee ballot.
- d. Other unusual circumstances that cause the absentee and special voters precinct board to conclude that the voter did not cast the ballot.

This rule is intended to implement Iowa Code sections 43.38, 49.9 and 53.25.

721—21.362 to 21.369 Reserved.

721—21.370(53) Training for absentee ballot couriers. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.371(53) Certificate. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.372(53) Frequency of training. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.373(53) Registration of absentee ballot couriers. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.374(53) County commissioner's duties. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.375(53) Absentee ballot courier training. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.376(53) Receiving absentee ballots. Rescinded IAB 8/1/07, effective 7/1/07.

721—21.377 to 21.399 Reserved.

DIVISION IV
INSTRUCTIONS FOR SPECIFIC ELECTIONS

721—21.400(376) Signature requirements for certain cities. This rule applies to cities which have all of the following characteristics:

1. Nomination procedures under Iowa Code section 376.3 are used. (This includes cities with primary or runoff election provisions. It does not include cities with nominations under Iowa Code chapter 44 or 45.)
2. Some or all council members are voted upon by the electors of wards, rather than by the electors of the entire city.
3. Ward boundaries have been changed since the last regular city election at which the ward seat was on the ballot.
4. The number of wards has not changed.

Calculation of the number of signatures for ward seats shall use the vote totals from the wards as the wards were configured at the time of the last regular city election at which the ward seat was on the ballot.

This rule is intended to implement Iowa Code section 376.4.

721—21.401(376) Signature requirements in cities with primary or runoff election provisions.

In cities using the provisions of Iowa Code section 376.4 for nomination of candidates and in which more than one council member was elected at-large at the last preceding regular city election, the number of signatures shall be calculated by the following formula:

V = the total number of votes cast for all candidates for council member at-large at the last regular city election;

E = the number of people to be elected at the last regular city election;

$$\frac{V}{E}$$

$\times .02$ = the number of signatures needed by each candidate in the next regular city election.

This rule is intended to implement Iowa Code section 376.4.

721—21.402(372) Filing deadline for charter commission appointment petition. If a special election has been called by a city to present to the voters the question of adopting a different form of city government, receipt by the city council of a petition requesting appointment of a charter commission shall stay the special election if the petition is received no later than 5 p.m. on the Friday preceding the date of the special election.

This rule is intended to implement Iowa Code section 372.3.

721—21.403(81GA, HF2282) Special elections to fill vacancies in elective city offices for cities that may be required to conduct primary elections.

21.403(1) Notice to the commissioner. At least 60 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election.

a. If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

b. No special city elections to fill vacancies for cities that may be required to conduct primary elections shall be held with the general election, with the primary election, or with the annual school election. To do so would be contrary to the provisions of Iowa Code section 39.2.

21.403(2) Election calendar. The election calendar shall be adjusted as follows:

a. The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the fifty-third day before the election.

b. The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the fifty-third day before the election.

c. A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the fiftieth day before the election.

d. A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the fiftieth day before the election.

e. The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

721—21.404(81GA, HF2282) Special elections to fill vacancies in elective city offices for cities without primary election requirements. This rule applies to cities that have adopted by ordinance one of the following options: nominations under Iowa Code chapter 44 or chapter 45, or a runoff election requirement if no candidate in the special election receives a majority of the votes cast.

21.404(1) *Notice to the commissioner.* At least 32 days before the proposed date of the special election, the city council shall give written notice to the commissioner who will be responsible for conducting the special election. If the commissioner finds no conflict with other previously scheduled elections, or with other limitations on the dates of special elections, the commissioner shall immediately notify the council that the date has been approved.

21.404(2) *Special elections to fill vacancies held in conjunction with the general election.* If the proposed date of the special election coincides with the date of the general election, the council shall give notice of the proposed date of the special city election not later than 76 days before the date of the general election. Candidates shall file nomination papers with the city clerk not later than 5 p.m. on the seventieth day before the general election. The city clerk shall deliver the nomination papers accepted by the clerk not later than 5 p.m. on the sixty-ninth day before the general election. Objection and withdrawal deadlines shall be 64 days before the general election, the same as the deadlines for candidates who file their nomination papers with the commissioner. Hearings on objections shall be held as soon as possible in order to facilitate printing of the general election ballot.

21.404(3) *Election calendar.* If the special election date is not the same as the date of the general election, the election calendar shall be adjusted as follows:

- a.* The deadline for candidates to file nomination papers with the city clerk shall be not later than 12 noon on the twenty-fifth day before the election.
- b.* The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the twenty-fifth day before the election.
- c.* A candidate who has filed nomination papers for the special election may withdraw not later than 5 p.m. on the twenty-second day before the election.
- d.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election not later than 12 noon on the twenty-second day before the election.
- e.* The hearing on the objection must be held within 24 hours of receipt of the objection.

This rule is intended to implement Iowa Code section 372.13(2) as amended by 2006 Iowa Acts, House File 2282, section 2.

721—21.405 to 21.499 Reserved.